

**Proposed Substitute  
Bill No. 5437**

LCO No. 6993

**AN ACT CONCERNING THE ALVIN W. PENN RACIAL PROFILING  
PROHIBITION ACT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 54-1l of the general statutes is repealed and the  
2       following is substituted in lieu thereof (*Effective October 1, 2015*):

3       (a) This section and section 54-1m, as amended by this act, shall be  
4       known as the "Alvin W. Penn Racial Profiling Prohibition Act".

5       (b) For the purposes of this section, "racial profiling" means the  
6       detention, interdiction or other disparate treatment of an individual  
7       solely on the basis of the racial or ethnic status of such individual.

8       (c) No member of the Division of State Police within the Department  
9       of Emergency Services and Public Protection, a municipal police  
10      department or any other law enforcement agency shall engage in racial  
11      profiling. The detention of an individual based on any noncriminal  
12      factor or combination of noncriminal factors is inconsistent with this  
13      policy.

14      (d) The race or ethnicity of an individual shall not be the sole factor  
15      in determining the existence of probable cause to place in custody or  
16      arrest an individual or in constituting a reasonable and articulable  
17      suspicion that an offense has been or is being committed so as to justify

18 the detention of an individual or the investigatory stop of a motor  
19 vehicle.

20 (e) Any individual who believes that such individual has been  
21 subjected to a discriminatory practice, as defined in section 46a-51, as  
22 amended by this act, including racial profiling or in violation of the  
23 standardized method implemented pursuant to section 54-1m, as  
24 amended by this act, may file a complaint with the Commission on  
25 Human Rights and Opportunities pursuant to section 46a-82.

26 Sec. 2. Section 54-1m of the general statutes is repealed and the  
27 following is substituted in lieu thereof (*Effective July 1, 2015*):

28 (a) Each municipal police department, the Department of  
29 Emergency Services and Public Protection and any other department  
30 with authority to conduct a traffic stop shall adopt a written policy that  
31 prohibits the stopping, detention or search of any person when such  
32 action is solely motivated by considerations of race, color, ethnicity,  
33 age, gender or sexual orientation, and such action would constitute a  
34 violation of the civil rights of the person. For the purposes of this  
35 section: (1) "Department with authority to conduct a traffic stop"  
36 means any department that includes, or has oversight of, a police  
37 officer, and (2) "police officer" means a police officer within a  
38 municipal police department or the Department of Emergency Services  
39 and Public Protection or a person with the same authority pursuant to  
40 any provision of the general statutes to make arrests or issue citations  
41 for violation of any statute or regulation relating to motor vehicles and  
42 to enforce said statutes and regulations as policemen or state  
43 policemen have in their respective jurisdictions, including, but not  
44 limited to: (A) Special policemen or state policemen acting under the  
45 provisions of section 29-18, 17a-24 or 17a-465; (B) policemen acting  
46 under the provisions of section 29-19; (C) the Commissioner of Motor  
47 Vehicles, each deputy commissioner of the Department of Motor  
48 Vehicles and any salaried inspector of motor vehicles designated by  
49 the commissioner pursuant to section 14-8; (D) State Capitol Police  
50 officers acting under the provisions of section 2-1f; (E) special police

51 forces acting under the provisions of section 10a-156b; (F) state  
52 policemen acting under the provisions of section 27-107; and (G) fire  
53 police officers acting under the provisions of section 7-313a.

54 (b) Not later than July 1, [2013] 2016, the Office of Policy and  
55 Management, in consultation with the Racial Profiling Prohibition  
56 Project Advisory Board established in section 54-1s, and the Criminal  
57 Justice Information System Governing Board shall, within available  
58 resources, develop and implement a standardized method:

59 (1) To be used by police officers of municipal police departments,  
60 the Department of Emergency Services and Public Protection and any  
61 other department with authority to conduct a traffic stop to  
62 electronically record traffic stop information unless the police officer is  
63 required to leave the location of the stop prior to completing [such] an  
64 electronic form in order to respond to an emergency or due to some  
65 other exigent circumstance within the scope of such police officer's  
66 duties. (A) The standardized method and any electronic form  
67 developed and implemented pursuant to such standardized method  
68 shall allow the following information to be recorded: [(A)] (i) The date  
69 and time of [the] each stop, including any stop for which no warning,  
70 citation or summons was issued or no custodial arrest was made; [(B)]  
71 (ii) the specific geographic location of the stop; [(C)] (iii) the unique  
72 identifying number of the police officer making the stop, or the name  
73 and title of the person making the stop if such person does not have a  
74 unique identifying number; [(D)] (iv) the race, color, ethnicity, age and  
75 gender of the operator of the motor vehicle that is stopped, provided  
76 the identification of such characteristics shall be based on the  
77 observation and perception of the police officer responsible for  
78 reporting the stop; [(E)] (v) the nature of the alleged traffic violation or  
79 other violation that caused the stop to be made and the statutory  
80 citation for such violation; [(F)] (vi) the disposition of the stop  
81 including whether a warning, citation or summons was issued,  
82 whether a search was conducted, the authority for any search  
83 conducted, the result of any search conducted, the statute or regulation  
84 citation for any warning, citation or summons issued and whether a

85 custodial arrest was made; and [(G)] (vii) any other information  
86 deemed appropriate. (B) The method shall also provide for the  
87 printing of a receipt to be given to the person stopped that shall  
88 include the traffic stop information recorded pursuant to this  
89 subdivision, and, in English and Spanish, (i) a notice [to be given to the  
90 person stopped] providing that if such person believes that such  
91 person has been stopped, detained or subjected to a search solely  
92 because of race, color, ethnicity, age, gender, sexual orientation,  
93 religion or membership in any other protected class, such person may  
94 file a complaint with the appropriate law enforcement agency, [unless  
95 the police officer was required to leave the location of the stop prior to  
96 providing such notice in order to respond to an emergency or due to  
97 some other exigent circumstance within the scope of such police  
98 officer's duties,] and (ii) instructions [to be given to the person  
99 stopped] on how to file such complaint, unless the police officer was  
100 required to leave the location of the stop prior to providing such  
101 [instructions] printed receipt in order to respond to an emergency or  
102 due to some other exigent circumstance within the scope of such police  
103 officer's duties;

104 (2) To be used to report complaints pursuant to this section by any  
105 person who believes such person has been subjected to a motor vehicle  
106 stop by a police officer solely on the basis of race, color, ethnicity, age,  
107 gender, sexual orientation or religion; and

108 (3) To be used by each municipal police department, the  
109 Department of Emergency Services and Public Protection and any  
110 other department with authority to conduct a traffic stop to report data  
111 to the Office of Policy and Management pursuant to subsection (h) of  
112 this section.

113 (c) Not later than July 1, [2013] 2016, the Office of Policy and  
114 Management, in consultation with the Racial Profiling Prohibition  
115 Project Advisory Board, shall develop and implement guidelines to be  
116 used by each municipal police department, the Department of  
117 Emergency Services and Public Protection and any other department

118 with authority to conduct a traffic stop in (1) training police officers of  
119 such agency in the completion of the electronic form developed and  
120 implemented pursuant to subdivision (1) of subsection (b) of this  
121 section, and (2) evaluating the information collected by police officers  
122 of such municipal police department, the Department of Emergency  
123 Services and Public Protection or other department with authority to  
124 conduct a traffic stop pursuant to subsection (e) of this section for use  
125 in the counseling and training of such police officers.

126 (d) (1) Prior to the date a standardized method and electronic form  
127 have been developed and implemented pursuant to subdivision (1) of  
128 subsection (b) of this section, each municipal police department, the  
129 Department of Emergency Services and Public Protection and any  
130 other department with authority to conduct a traffic stop shall [, using]  
131 use the form developed and promulgated pursuant to the provisions  
132 of subdivision (1) of subsection [(h)] (b) of this section in effect on  
133 [January 1, 2012, record and retain the following information: (A) The  
134 number of persons stopped for traffic violations; (B) characteristics of  
135 race, color, ethnicity, gender and age of such persons, provided the  
136 identification of such characteristics shall be based on the observation  
137 and perception of the police officer responsible for reporting the stop  
138 and the information shall not be required to be provided by the person  
139 stopped; (C) the nature of the alleged traffic violation that resulted in  
140 the stop; (D) whether a warning or citation was issued, an arrest made  
141 or a search conducted as a result of the stop; and (E)] June 30, 2015,  
142 and include any additional information that such municipal police  
143 department, the Department of Emergency Services and Public  
144 Protection or any other department with authority to conduct a traffic  
145 stop, as the case may be, deems appropriate, provided such  
146 information shall not include any other identifying information about  
147 any person stopped for a traffic violation such as the person's  
148 operator's license number, name or address.

149 (2) On and after the date a standardized method and electronic form  
150 have been developed and implemented pursuant to subdivision (1) of  
151 subsection (b) of this section, each municipal police department, the

152 Department of Emergency Services and Public Protection and any  
153 other department with authority to conduct a traffic stop shall record  
154 and retain the information required to be recorded pursuant to such  
155 standardized method and any additional information that such  
156 municipal police department or the Department of Emergency Services  
157 and Public Protection or other department with authority to conduct a  
158 traffic stop, as the case may be, deems appropriate, provided such  
159 information shall not include any other identifying information about  
160 any person stopped for a traffic violation such as the person's  
161 operator's license number, name or address.

162 (e) Each municipal police department, the Department of  
163 Emergency Services and Public Protection and any other department  
164 with authority to conduct a traffic stop shall provide to the Chief  
165 State's Attorney and the Office of Policy and Management (1) a copy of  
166 each complaint received pursuant to this section, and (2) written  
167 notification of the review and disposition of such complaint. No copy  
168 of such complaint shall include any other identifying information  
169 about the complainant such as the complainant's operator's license  
170 number, name or address.

171 (f) Any police officer who in good faith records traffic stop  
172 information pursuant to the requirements of this section shall not be  
173 held civilly liable for the act of recording such information unless the  
174 officer's conduct was unreasonable or reckless.

175 (g) If a municipal police department, the Department of Emergency  
176 Services and Public Protection or any other department with authority  
177 to conduct a traffic stop fails to comply with the provisions of this  
178 section, the Office of Policy and Management shall recommend and  
179 the Secretary of the Office of Policy and Management may order an  
180 appropriate penalty in the form of the withholding of state funds from  
181 such municipal police department, the Department of Emergency  
182 Services and Public Protection or such other department with  
183 authority to conduct a traffic stop.

184 (h) Not later than October 1, 2012, each municipal police department

185 and the Department of Emergency Services and Public Protection shall  
186 provide to the Office of Policy and Management a summary report of  
187 the information recorded pursuant to subsection (d) of this section. On  
188 and after October 1, 2013, each municipal police department, the  
189 Department of Emergency Services and Public Protection and any  
190 other department with authority to conduct a traffic stop shall provide  
191 to the Office of Policy and Management a monthly report of the  
192 information recorded pursuant to subsection (d) of this section for each  
193 traffic stop conducted, in a format prescribed by the Office of Policy  
194 and Management. On and after January 1, 2015, such information shall  
195 be submitted in electronic form, and shall be submitted in electronic  
196 form prior to said date to the extent practicable.

197 (i) The Office of Policy and Management shall, within available  
198 resources, review the prevalence and disposition of traffic stops and  
199 complaints reported pursuant to this section. Not later than July 1,  
200 2014, and annually thereafter, the office shall report the results of any  
201 such review, including any recommendations, to the Governor, the  
202 General Assembly and any other entity deemed appropriate.

203 (j) Not later than January 1, 2014, the Office of Policy and  
204 Management shall submit a report to the joint standing committees of  
205 the General Assembly having cognizance of matters relating to the  
206 judiciary and public safety, and to the African-American Affairs  
207 Commission, the Latino and Puerto Rican Affairs Commission and the  
208 Black and Puerto Rican Caucus of the General Assembly, on the  
209 office's progress in developing a standardized method and guidelines  
210 pursuant to this section. Such report may include recommendations  
211 for amendments to this section.

212 (k) Not later than October 1, 2015, the Office of Policy and  
213 Management shall provide to the Commissioner of Motor Vehicles a  
214 copy of the notice and instructions provided pursuant to subparagraph  
215 (B) of subdivision (1) of subsection (b) of this section, for inclusion by  
216 said commissioner in any notification mailed pursuant to subsection  
217 (d) of section 14-41, as amended by this act.

218 Sec. 3. Subsection (d) of section 14-41 of the general statutes is  
219 repealed and the following is substituted in lieu thereof (*Effective*  
220 *January 1, 2016*):

221 (d) The commissioner may, at least fifteen days before the date on  
222 which each motor vehicle operator's license or identity card expires,  
223 notify the holder of such license or identity card of the expiration date,  
224 in a manner determined by the commissioner. Any such notification  
225 shall include a copy of the notice and instructions described in  
226 subparagraph (B) of subdivision (1) of subsection (b) of section 54-1m,  
227 as amended by this act. The commissioner shall not provide such  
228 notification by mail to any such licensee or identity card holder if the  
229 United States Postal Service has determined that mail is undeliverable  
230 to the address for such person that is documented in the records of the  
231 Department of Motor Vehicles. Any previously licensed operator who  
232 operates a motor vehicle within sixty days after the expiration date of  
233 the operator's license without obtaining a renewal of the license shall  
234 be fined in accordance with the amount designated for the infraction of  
235 failure to renew a motor vehicle operator's license. Any operator so  
236 charged shall not be prosecuted under section 14-36 for the same act  
237 constituting a violation under this section but section 14-36 shall apply  
238 after the sixty-day period.

239 Sec. 4. Subdivision (8) of section 46a-51 of the general statutes is  
240 repealed and the following is substituted in lieu thereof (*Effective*  
241 *October 1, 2015*):

242 (8) "Discriminatory practice" means a violation of section 4a-60, 4a-  
243 60a, 4a-60g, 46a-58, 46a-59, 46a-60, 46a-64, 46a-64c, 46a-66, 46a-68, 46a-  
244 68c to 46a-68f, inclusive, or 46a-70 to 46a-78, inclusive, subsection (a) of  
245 section 46a-80, [or] sections 46a-81b to 46a-81o, inclusive, section 54-1l,  
246 as amended by this act, or of the standardized method implemented  
247 pursuant to section 54-1m, as amended by this act;

248 Sec. 5. (*Effective July 1, 2015*) Not later than June 30, 2016, each  
249 municipal police department, the Department of Emergency Services  
250 and Public Protection and any other department with authority to



251 conduct a traffic stop may submit an application to the Office of Policy  
252 and Management, in a manner determined by the secretary of said  
253 office, for reimbursement of the costs associated with equipping any  
254 police officer's vehicle with an electronic device for the purposes of  
255 completing the electronic form pursuant to subdivision (1) of  
256 subsection (b) of section 54-1m, as amended by this act, and printing  
257 the receipt described in subparagraph (B) of said subdivision. The  
258 Office of Policy and Management shall reimburse the applicant for any  
259 such costs that said office deems reasonable.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2015</i>	54-1l
Sec. 2	<i>July 1, 2015</i>	54-1m
Sec. 3	<i>January 1, 2016</i>	14-41(d)
Sec. 4	<i>October 1, 2015</i>	46a-51(8)
Sec. 5	<i>July 1, 2015</i>	New section